

Remarks/Arguments:

Claims 7-16, newly presented, are pending.

Claim 1-6 are canceled, without prejudice or disclaimer.

New claims 7-16 contain the subject matter of originals 1-6, rewritten in order to more clearly define the invention.

Claims 1-6 were rejected under 35 USC 112, second paragraph, for allegedly being indefinite. Reconsideration is requested.

The rejection alleges that incorporation by reference to a specific figure renders the claims indefinite. This rejection is rendered moot by incorporation of the figure, bodily, into the claim. Withdrawal of the rejection appears to be in order.

Claims 1-3, 5, and 6 were rejected under 35 USC 103(a) as being allegedly unpatentable over Okuda (EP 0 974 391) in view of Takashi (JP 05-309329). Reconsideration is requested.

The presently claimed method is characterized by mechanically mixing and dispersing a one-pack type curing paste material and a low-pressure gas to produce an expandable material.

The presently claimed method is limited to

using a piston pump having a cylinder and a piston adapted to reciprocally move within the cylinder to effect a suction stroke and a discharge stroke.

Neither Okuda nor Takashi, taken separately or together, teaches or suggests the aforesaid limitation. A "ground of rejection is simply inadequate on its face . . . [when] the cited references do not support each limitation of [the] claim." *In re Thrift*, 63 USPQ2d 2002, 2008

(Fed. Cir. 2002). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 108 USPQ 580 (CCPA 1974). Withdrawal of the rejection of claims 1-3, 5, and 6 under §103(a) over Okuda in view of Takashi appears to be in order.

Claim 4 was rejected under 35 USC 103(a) as being unpatentable over as applied to the combined teachings of Okuda and Takashi as applied and discussed above, and in further view of Cobbs (U.S. Patent No. 4,778,631).

The apparatus disclosed in Cobbs comprises a gear pump. Wherein, the presently claimed invention is limited to using "a piston pump." A "ground of rejection is simply inadequate on its face . . . [when] the cited references do not support each limitation of [the] claim." *In re Thrift*, 63 USPQ2d 2002, 2008 (Fed. Cir. 2002). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 108 USPQ 580 (CCPA 1974). Withdrawal of the rejection of claim 4 under §103(a) appears to be in order.

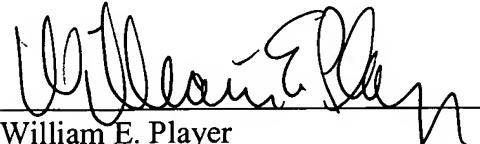
Attorney Docket No. P70693US0
Application No. 10/541,619

Favorable action is requested.

Respectfully submitted,

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